

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO: 3:18-CV-00464-MOC

|                                         |   |                     |
|-----------------------------------------|---|---------------------|
| <b>TERRY DAVIS,</b>                     | ) |                     |
|                                         | ) |                     |
| Plaintiff,                              | ) |                     |
|                                         | ) |                     |
| <b>vs.</b>                              | ) | <b><u>ORDER</u></b> |
|                                         | ) |                     |
| <b>ANDREW M. SAUL,</b>                  | ) |                     |
| <b>Commissioner of Social Security,</b> | ) |                     |
|                                         | ) |                     |
| Defendant.                              | ) |                     |

**THIS MATTER** is before the Court on Plaintiff's Motion for Attorney's Fees and Court Costs (#20), brought pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. Having considered the motion, attachments, and agreement of the parties, the Court finds that Plaintiff should be paid a sum of \$8,100.00 (less offset, if any) for attorney's fees, in full and final settlement of all fees due under the EAJA. The Court also finds that Plaintiff should be reimbursed \$400 in filing fees for bringing this action. Accordingly, the Court enters the following Order.

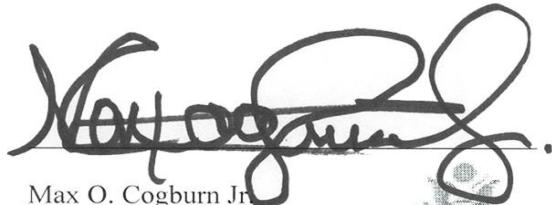
**ORDER**

**IT IS, THEREFORE, ORDERED** that Plaintiff's Motion for Attorney's Fees and Court Costs (#20) is **GRANTED**, and the Social Security Administration shall pay Plaintiff a total of **\$8,500.00**, which includes a \$400 filing fee and \$8,100 in attorney's fees. The filing fee shall be paid by the Department of Treasury from the Judgment Fund, pursuant to 28 U.S.C. § 2412(a)(1).

The attorney's fee award serves as full satisfaction of any and all incurred attorney's fees that are recoverable under the EAJA. Under Astrue v. Ratliff, 130 S. Ct. 2521 (2010), these attorney's fees are payable to Plaintiff as the prevailing party and are subject to offset through the Treasury Department's Offset Program to satisfy any pre-existing debt Plaintiff may owe to the

Government. If, after the entry of this Order, the Commissioner determines that Plaintiff owes no debt to the Government that would subject this award to an offset, the Commissioner may honor Plaintiff's signed assignment of EAJA fees, which provided for payment of fees to Plaintiff's counsel, rather than to Plaintiff. If, however, the Commissioner discovers that Plaintiff owes the Government any debt subject to offset, the Commissioner shall pay any attorney fees remaining after such offset to Plaintiff, rather than to Plaintiff's counsel.

Signed: January 3, 2020



Max O. Cogburn Jr.  
United States District Judge